Filed in District Court
State of Minnesota
2/9/2024 11:44 AM

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CASE TYPE: PERSONAL INJURY

Jane Doe,

Plaintiff,

v.

DeLaSalle High School and
Daniel James Felton,

Defendants.

Complaint

Jury Trial Demand

For her Complaint against Defendants, Plaintiff Jane Doe, hereby states and alleges upon knowledge, information, and belief as follows:

Parties

1. Plaintiff Jane Doe is proceeding under a pseudonym to protect her privacy as a victim of a sexual assault.

2. Jane's true identity is known to Defendant.

3. Jane will be further identified under the terms of a protective order.

4. At all relevant times, Jane was a minor, female student at DeLaSalle High School, residing in Minnesota.

5. Jane is now eighteen years old.

6. Defendant DeLaSalle High School operates as a non-profit, high school educational institution, doing business at 25 W Island Avenue, City of Minneapolis,

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County of Hennepin, and State of Minnesota.

7. DeLaSalle is vicariously liable for acts committed by its employees and agents including its former employee, Daniel James Felton.

8. Defendant Daniel James Felton is an adult male residing in Minnesota.

9. Mr. Felton was employed by DeLaSalle as a teacher.

10. Mr. Felton is married and has children with his wife.

11. Personal jurisdiction exists over Defendants because the violations of law occurred in Minnesota and involved Minnesota state law.

12. Venue is proper because Defendants reside in this County and the violations of law occurred in this County.

Facts

Jane Enrolls in DeLaSalle High School

13. Jane enrolled as a student at DeLaSalle in 2018.

14. Jane was approximately 14 years old.

15. Jane's parents trusted that DeLaSalle would use reasonable care to protect their daughter from foreseeable harm.

16. Jane's parents enrolled her into DeLaSalle with the assumption that the school's superintendent, principal, other administrators, teachers, other staff members, and employees would not sexually abuse Jane and/or subject her to a sexual predator.

Mr. Felton Groomed Jane at DeLaSalle

17. In the fall of 2020, DeLaSalle hired Mr. Felton to teach primarily music classes.

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18. DeLaSalle placed Jane in Mr. Felton's music class in the fall of 2020.

19. At that time, Jane was approximately 16 years old.

20. Mr. Felton was approximately 28 years old.

21. Mr. Felton also taught Jane in orchestra and choir classes.

22. Mr. Felton placed himself in a mentorship role for Jane and regularly interacted with Jane.

23. Mr. Felton often asked his students about their personal lives, including Jane.

24. Mr. Felton knew that Jane was having a difficult time in her personal life.

25. Mr. Felton often asked Jane about the personal and sexual lives of her friends and classmates.

26. Mr. Felton shared personal information about himself with his students, including Jane.

27. Mr. Felton would hug his students, including Jane.

28. Mr. Felton would place his hands on Jane's lower back, close to her buttocks when he gave her a hug.

29. Students, teachers, and staff knew Mr. Felton gave his students hugs and witnessed Mr. Felton hugging Jane.

30. At one point, Mr. Felton stated to Jane and another student that he had left his previous teaching position because of allegations of sexual misconduct toward a minor female student.

Mr. Felton Began Direct Messaging Jane

31. In the spring of 2022, Mr. Felton began direct messaging Jane via the social

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media application, Instagram.

32. Jane was approximately 17 year old.

33. Mr. Felton was approximately 29 years old.

34. Jane viewed Mr. Felton as a mentor and would ask Mr. Felton his advice on things such as high school friendships, music, college, and home life.

35. Mr. Felton would ask about Jane's dating life and would discuss his relationship with his wife with Jane.

36. For example, on April 8, 2022, Mr. Felton direct messaged Jane and asked her, "What's your head count?"

37. "Head count" means the number of sexual partners a person has had.

38. Mr. Felton was asking Jane how many sexual partners she has had.

39. Jane responded that she had only had one previous sexual partner.

40. Mr. Felton replied and stated, "You have a lot to learn."

41. When Jane asked what Mr. Felton meant by that, Mr. Felton stated, "Well for one . . . You have a small mouth so can't deal with too much out here so be careful . . . Second- with time comes experience- the more you do it the more you learn . . . Techniques, finishing, etc[.]"

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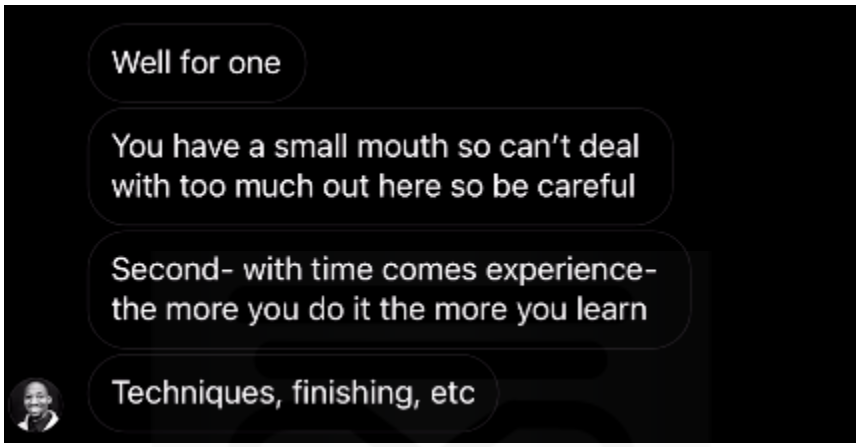

Well for one
You have a small mouth so can't deal with too much out here so be careful
Second- with time comes experience- the more you do it the more you learn
Techniques, finishing, etc

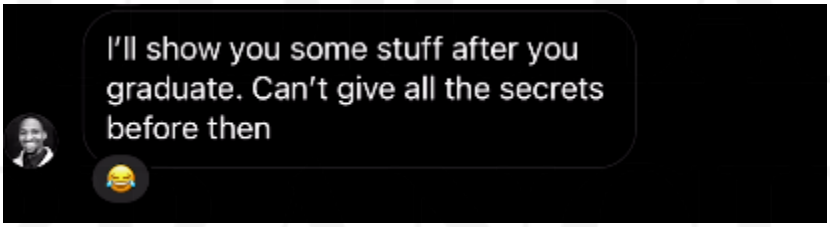
42. Jane ended the messaging conversation shortly after Mr. Felton's inappropriate messages.

43. Mr. Felton messaged Jane later that evening at 11:50 p.m.

44. Mr. Felton discussed what his first time having sex was like.

45. Mr. Felton described that, in his teenage and college years, he had wanted to have many sexual experiences but that it "Didn't happen . . . Morals were too high."

46. Mr. Felton later remarked, "I'll show you some stuff after you graduate. Can't give all the secrets before then."



47. The following day, Mr. Felton messaged Jane again.

48. Jane shared with Mr. Felton information about a period of time when she was dealing with a lot of things in her life.

49. Mr. Felton responded, "Do you love me? Plutonic . . . Trust me? . . . Care

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for me? . . . Like fully trust me or no[?]"

50. Mr. Felton continued messaging Jane regularly to groom her.

51. For example, on April 12, 2022, Mr. Felton messaged Jane and his messages became sexually suggestive.

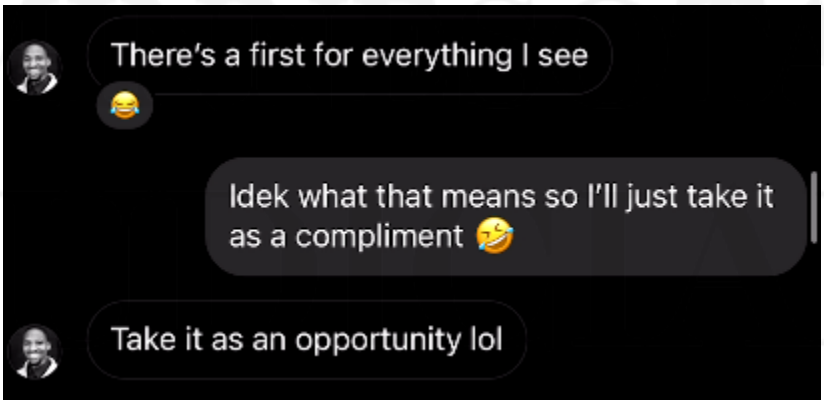
52. Mr. Felton indicated that because Jane lived with her parents, she would have to be sexually intimate in a car.

53. Jane stated she had never been sexually intimate in a car.

54. Mr. Felton responded, "There's a first for everything I see."

55. Jane replied that she did not know what Mr. Felton meant by that, but that she would take it as a compliment.

56. Mr. Felton stated, "Take it as an opportunity lol".



57. Later in the conversation, Jane stated that her hip hurt, to which Mr. Felton responded, "Who was you doing?"

58. Jane replied that had not been intimate with anyone.

59. Mr. Felton responded, "Mhmm . . . The way you been looking ... nvm . . . I won't say it."

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60. During another conversation, Mr. Felton again referenced being sexually intimate in a car and stated, "You'd be a pretzel in my backseat like some yoga . . . Or a mouthful if I'm being real."

61. Mr. Felton continued messaging Jane regularly and continued his inappropriate sexual comments.

62. Mr. Felton also shared personal information with Jane at the DeLaSalle school building and via messaging that included that he was having issues in his marriage and that his sexual intimacy with his wife was not fulfilling.

Mr. Felton Sexually Abused Jane

63. At the end of April 2022, Mr. Felton offered to give Jane a ride from DeLaSalle to her house.

64. On the way to Jane's house, Mr. Felton pulled the car into an empty parking lot.

65. After parking the car, Mr. Felton and Jane talked about classes.

66. Mr. Felton then proceeded to sexually assault Jane while in the car.

67. Mr. Felton placed his hand on Jane's leg, including her thigh.

68. Jane was confused and froze in fear.

69. Jane could not speak.

70. Jane moved Mr. Felton's hand away from her body, but Mr. Felton kept touching her leg.

71. Mr. Felton then moved his hands to grope Jane's body, including her breasts.

72. Mr. Felton again placed his hands on Jane's body and attempted to move

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Jane so she would be straddling Mr. Felton's lap.

73. Mr. Felton then kissed Jane on the lips.

74. Eventually, Mr. Felton asked if Jane wanted him to take her home.

75. Jane responded that she did want Mr. Felton to take her home.

76. On the way to Jane's house, Mr. Felton talked about his wife and problems with their marriage.

77. Jane did not speak.

78. The next day, Jane had to attend class with Mr. Felton at DeLaSalle.

79. After Mr. Felton's first sexual assault of Jane, Mr. Felton would regularly pick Jane up and sexually abuse her in his car.

80. This continued to occur approximately once or twice a week.

81. Mr. Felton coerced Jane to comply with his request to be picked up in his car.

82. Mr. Felton's coercion included statements that Mr. Felton would "just come upstairs" and tell Jane's mother that he would be "taking her daughter for a ride."

83. Jane believed Mr. Felton might expose to her mother the secret of the sexual contact between Mr. Felton and Jane.

84. Mr. Felton's sexual abuse included touching Jane in a sexual manner, sexual contact with Jane, kissing Jane, coercing Jane into performing oral sex on Mr. Felton, and digitally penetrating Jane.

85. Mr. Felton would coerce Jane into performing oral sex on him by placing his hand(s) on the back of Jane's head and physically pushing Jane's head toward his penis.

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86. Mr. Felton would also sexually abuse Jane in his car while in a car wash near her home.

87. While in the car wash, Mr. Felton would verbally and/or physically pressure Jane to perform oral sex on him.

88. Mr. Felton frequently referenced his desire to "go to the car wash" to indicate that he wanted Jane to perform oral sex on him.

89. In one instance, Mr. Felton discussed his excitement to see Jane and explained, "I fear what I'll do when I see u . . . Lol . . . My car wash hasn't expired . . . Mhmm . . . I got some more things to show u."

90. In another conversation, Mr. Felton stated that he had thought "about the car

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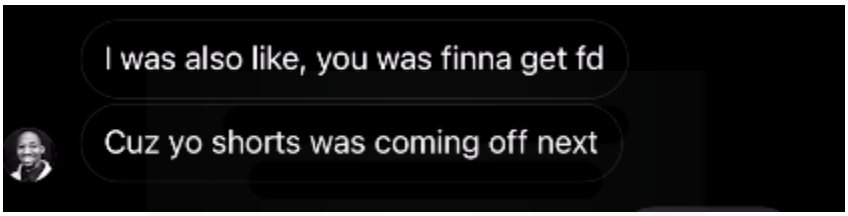
wash the other day. . . I was like, you was finna get fd . . . Cuz yo shorts was coming off next."



91. Mr. Felton's statement was in reference to a time that he had taken Jane to the car wash and pressured her to perform oral sex on him.

92. Mr. Felton was expressing his desire to have taken Jane's shorts off and sexually assault her by having intercourse with her.

93. Mr. Felton's sexual abuse of Jane occurred on DeLaSalle's property as well.

94. Mr. Felton would make sexual comments to Jane while in the DeLaSalle school building.

95. Mr. Felton also sexually assaulted Jane while she volunteered under Mr. Felton's supervision as part of DeLaSalle's work-service program.

96. DeLaSalle required Jane to complete ten hours of work service.

97. Mr. Felton knew Jane needed to complete work-service hours.

98. Mr. Felton suggested Jane complete work-service hours under his supervision.

99. DeLaSalle approved of Jane completing work-service hours under Mr. Felton's supervision.

100. Jane logged the hours she completed by submitting information to

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DeLaSalle.

101. Mr. Felton signed Jane's log that was submitted to DeLaSalle.

102. Jane primarily spent those hours organizing sheet music for Mr. Felton.

103. Jane completed those hours in Mr. Felton's classroom and his office, which are both located in the DeLaSalle school building.

104. Mr. Felton's office did not have windows.

105. While Jane was completing work-service hours in Mr. Felton's office and under Mr. Felton's supervision, Mr. Felton began making sexually suggestive comments to Jane.

106. Mr. Felton hugged Jane and while doing so, touched her buttocks.

107. Mr. Felton began groping Jane's body, including her breasts.

108. Mr. Felton proceeded to kiss Jane on her lips.

109. Mr. Felton then pressured Jane to perform oral sex on Mr. Felton in his office.

110. Throughout Mr. Felton's abuse, Jane told Mr. Felton she only wanted the relationship between the two to remain platonic and that she wanted their relationship to be one of a mentor and mentee that had existed prior to the spring of 2022.

111. Despite Jane's efforts, Mr. Felton continued grooming Jane, making sexual comments to her, messaging her sexually suggestive things, and coercing Jane into allowing Mr. Felton to pick her up in his car so he could sexually abuse her.

112. Mr. Felton continued his communications with Jane, even after Jane stopped responding to Mr. Felton's calls and messages.

113. Jane blocked Mr. Felton from contacting her via phone and social media

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applications in the fall of 2022.

DeLaSalle is Responsible for Mr. Felton Grooming and Abusing Jane

114. DeLaSalle states it is the "longest-standing Catholic high school in the city of Minneapolis" and that it is "[k]nown for a strong commitment to our students, our mission is to serve students and families who seek a high-quality, values-based academic preparation for life."

115. At all relevant times, Mr. Felton was an employee of DeLaSalle and remained under the direct supervision, employ, and control of DeLaSalle.

116. DeLaSalle placed Mr. Felton in positions where he had access to and worked with children as an integral part of his work.

117. Mr. Felton's employment duties included, but were not limited to, directing, teaching, overseeing, and supervising students.

118. In the course of Mr. Felton's employment, DeLaSalle became aware of or should have become aware of problems with Mr. Felton that indicated his unfitness.

119. While Jane was a student in DeLaSalle's custody, Jane was a student in Mr. Felton's classes, under Mr. Felton's supervision as part the work-service program, and obtained mentorship from Mr. Felton.

120. As a DeLaSalle teacher, work-service supervisor, and/or mentor, Mr. Felton was in a position of authority over Jane.

121. Mr. Felton, in his position of authority as a teacher, work-service supervisor, and/or mentor of Jane, encouraged a sexual relationship between Jane and Mr. Felton.

122. Mr. Felton used his position of authority as a teacher, work-service

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supervisor, and/or mentor of Jane to gain her trust.

123. Mr. Felton used his position of authority as a teacher, work-service supervisor, and/or mentor of Jane to isolate and manipulate Jane to be a victim of sexual abuse.

124. Mr. Felton groomed Jane over the course of several years in order to gain Jane's trust and sexually abuse her.

125. On multiple occasions in 2022, when Jane was 17 years old, Mr. Felton inflicted harmful, offensive, and unpermitted sexual contact upon Jane.

126. While under the custody and/or care of DeLaSalle, Jane was sexually assaulted by Mr. Felton.

127. All of the actions described, in particular, the contacts between Jane and Mr. Felton on the school premises throughout the school day, are foreseeable acts and risks known generally to educators, administrators, and others in the position of DeLaSalle that provide a clear indication of the risk of sexual misconduct.

128. DeLaSalle negligently and recklessly employed Mr. Felton in a position of authority over children, including Jane.

129. Jane, as a minor and vulnerable child, was dependent on DeLaSalle.

130. DeLaSalle had custody of Jane and accepted entrustment of Jane.

131. DeLaSalle had responsibility for Jane and authority over her.

132. DeLaSalle solicited and/or accepted its position of authority over Jane.

133. Prior to the sexual abuse of Jane in 2022, DeLaSalle should have known that Mr. Felton was not fit to work with children, including Jane.

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134. DeLaSalle holds itself out as being able to provide a safe environment for children.

135. DeLaSalle solicited youth and parents to enroll children in their schools and required certain students, including Jane, to participate in the work-service program.

136. Prior to the sexual abuse of Jane in 2022, DeLaSalle should have known that Mr. Felton was a danger to children, including Jane.

137. DeLaSalle held Mr. Felton out as safe to work with children, including Jane.

138. DeLaSalle undertook the education, custody, supervision, and/or care of children, including Jane.

139. DeLaSalle entered into a fiduciary relationship with Jane.

140. DeLaSalle's conduct prevented Jane from effectively protecting herself.

141. DeLaSalle established an *in loco parentis* relationship with Jane by accepting custody of her.

Jane's Damages

142. Mr. Felton's sexual abuse took away Jane's innocence, safety, confidence, and trust.

143. Defendants' conduct has caused Jane to feel frequently distressed, anxious, depressed, traumatized, and taken advantage of.

144. Jane also feels disgust and fear that Mr. Felton might groom and sexually abuse more individuals.

145. Jane has trouble sleeping, eating, and concentrating. She suffers regular nightmares and flashbacks that cause her to cry.

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146. Jane suffers increased anxiety, decreased energy, low appetite, and headaches.

147. Defendants' conduct has caused Jane to experience panic attacks and to stop participating in music courses.

148. Jane lost trust in men and struggles to form and maintain healthy relationships.

149. Jane has incurred and will continue to incur expenses for medical and psychological treatment, counseling, and therapy.

150. Jane has suffered and will sustain past and future pain, suffering, emotional distress, and loss of enjoyment of life.

151. Jane has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, and physical, personal, and psychological injuries.

152. Jane was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life, and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling, and has and/or will incur loss of income and/or loss of earning capacity.

153. The damages caused by Defendants can never be undone.

154. Jane demands a jury trial on all issues of facts stated herein.

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Count One
Negligence
Plaintiff v. DeLaSalle High School and Daniel Felton

155. Plaintiff realleges each preceding paragraph as if fully stated herein.

156. Mr. Felton had a duty to perform his employment responsibilities in a safe, professional, and appropriate manner.

157. Mr. Felton breached that duty by grooming and sexually assaulting Jane and was thus negligent.

158. Mr. Felton's conduct constitutes sexual abuse in accordance with Minnesota Statute § 541.073, subd. 1.

159. Mr. Felton's conduct also constitutes criminal sexual conduct in the second, third, and fourth, degrees in accordance with Minnesota Statute §§ 609.343, subd. 1a(c)(i); 609.344, subd. 1a(c), (e)-(g), (i); 609.345, subd. 1a(c), (e)-(g), (i).

160. Mr. Felton's conduct towards Jane constitutes negligence per se.

161. All of Mr. Felton's conduct towards Jane was also foreseeable because inappropriate sexual contact or abuse by teachers is a well-known hazard in the field of teaching.

162. Because all of Mr. Felton's conduct occurred while he was employed by or was an agent of DeLaSalle, and Mr. Felton was acting within the course and scope of that employment or agency at all relevant times, DeLaSalle is vicariously liable for all of Mr. Felton's conduct as described herein. *See Fahrendorff v. North Homes, Inc.*, 597 N.W.2d 905 (Minn. 1999).

163. DeLaSalle owed Jane a duty to provide a safe environment for students to

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learn.

164. DeLaSalle owed Jane a duty to protect her from being groomed and sexually assaulted by DeLaSalle teachers and to protect Jane from injury.

165. DeLaSalle had a special relationship with Jane.

166. DeLaSalle had superior knowledge about the risk Mr. Felton posed to Jane, the risk of abuse in their school, and/or the risk that their agents and/or employees posed to children, including Jane.

167. DeLaSalle failed to exercise reasonable care in performing these duties.

168. DeLaSalle's breach of these duties directly and proximately caused Jane to be groomed and sexually assaulted by Mr. Felton.

169. DeLaSalle is vicariously liable for the negligent acts of Mr. Felton.

170. As a direct and proximate result of Defendants' conduct, Jane incurred and will incur past and future medical expenses.

171. As a direct and proximate result of Defendants' conduct, Jane suffered bodily, physical, and emotional injury and has endured and will endure past and future emotional distress, pain, suffering, humiliation, embarrassment, and other items of compensatory and special damages to be determined by jury.

172. Jane reserves the right to amend the complaint to assert punitive damages against Mr. Felton and DeLaSalle in accordance with Minn. Stat. §§ 549.191; 549.20.

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Count Two

Assault

Plaintiff v. DeLaSalle High School and Daniel Felton

173. Plaintiff realleges each preceding paragraph as if fully stated herein.

174. Mr. Felton intended to and did cause Jane to fear imminent offensive contact and Mr. Felton had the ability to cause the offensive contact.

175. Mr. Felton was acting in the course and scope of his authority as a DeLaSalle teacher when he groomed and sexually abused Jane.

176. It was foreseeable that as an employee of DeLaSalle, Mr. Felton would engage in conduct like his conduct toward Jane.

177. Because Mr. Felton was an employee or agent of DeLaSalle when the grooming and sexual abuse occurred, and Mr. Felton was acting within the course and scope of that employment or agency at all relevant times, DeLaSalle is vicariously liable for all of Mr. Felton's tortious conduct.

178. Defendants' conduct was a direct cause of Jane's injuries.

179. As a direct and proximate result of the aforementioned illegal conduct, Jane has suffered, and continues to suffer, emotional distress, humiliation, embarrassment, pain and suffering, loss of reputation, loss of enjoyment of life, lost wages and benefits, and has incurred attorneys' fees and expenses and other compensatory and special damages expert testimony will establish and a jury will determine.

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Count Three

Battery

Plaintiff v. DeLaSalle High School and Daniel Felton

180. Plaintiff realleges each preceding paragraph as if fully stated herein.

181. Mr. Felton intentionally caused an offensive contact with Jane.

182. Mr. Felton was acting in the course and scope of his authority as a DeLaSalle teacher when he groomed and sexually abused Jane.

183. It was foreseeable that as an employee of DeLaSalle, Mr. Felton would engage in conduct like his conduct toward Jane.

184. Because Mr. Felton was an employee or agent of DeLaSalle when the grooming and sexual abuse occurred, and Mr. Felton was acting within the course and scope of that employment or agency at all relevant times, DeLaSalle is vicariously liable for all of Mr. Felton's tortious conduct.

185. Defendants' conduct was a direct cause of Jane's injuries.

186. As a direct and proximate result of the aforementioned illegal conduct, Jane has suffered, and continues to suffer, emotional distress, humiliation, embarrassment, pain and suffering, loss of reputation, loss of enjoyment of life, lost wages and benefits, and has incurred attorneys' fees and expenses and other compensatory and special damages expert testimony will establish and a jury will determine.

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Count IV
Negligent Hiring, Retention, Supervision, Training, & Representation
Plaintiff v. DeLaSalle High School

187. Plaintiff realleges each preceding paragraph as if fully stated herein.

188. Mr. Felton's conduct constitutes sexual abuse in accordance with Minnesota law.

189. Mr. Felton committed multiple acts of assault and a battery against Jane, which were direct causes of Jane's injuries.

190. DeLaSalle negligently placed Mr. Felton in an employment position in which, because of the circumstances of employment, it was or should have been foreseeable to DeLaSalle that Mr. Felton posed a threat of injury to others, including but not limited to DeLaSalle's minor student Jane.

191. DeLaSalle owed Jane and its other students a duty to ensure that they receive professional, safe, and appropriate education.

192. DeLaSalle breached its duties to Jane in numerous ways, including but not limited to:

a. Failing to exercise reasonable care in hiring Mr. Felton to teach and supervise DeLaSalle's students, despite the fact that DeLaSalle knew or should have known that Mr. Felton was likely to engage in inappropriate contact with DeLaSalle students;

b. Failing to exercise reasonable care in retaining and failing to supervise Mr. Felton despite the fact that DeLaSalle knew or should have known that Mr. Felton was engaging in or was likely to engage in inappropriate contact with

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DeLaSalle's students;

c. By representing to Jane, other students, and potential students that DeLaSalle's teachers provided a safe, professional, and appropriate education, despite the fact that the DeLaSalle knew or should have known that was untrue;

d. By failing to enact or enforce adequate, reasonable, and necessary rules, regulations, policies, and procedures to ensure that DeLaSalle was offering a safe, professional, and appropriate education; and

e. By repeatedly authorizing, ratifying, and/or ignoring its teachers' inappropriate behavior toward students.

193. All of Mr. Felton's conduct towards Jane was a foreseeable result of DeLaSalle's own (or direct) acts and omissions.

194. All of Mr. Felton's conduct towards Jane was also foreseeable because inappropriate sexual contact or abuse by teachers is a well-known hazard in the field of education. Plaintiff shall support this through expert testimony at trial.

195. Because all of Mr. Felton's conduct occurred while he was employed by or was an agent of DeLaSalle, and Mr. Felton was acting within the course and scope of that employment or agency at all relevant times, DeLaSalle is vicariously liable for all of Mr. Felton's conduct as described herein. *See Fahrendorff v. North Homes, Inc.*, 597 N.W.2d 905 (Minn. 1999).

196. DeLaSalle's negligence directly and proximately caused physical injuries, as well as emotional harm, to Jane.

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197. As a direct and proximate result of the aforementioned conduct, Jane incurred and will incur past and future medical expenses.

198. As a direct and proximate result of the aforementioned conduct, Jane suffered, and continues to suffer, bodily, physical, and emotional injury and has endured and will endure past and future emotional distress, pain, suffering, humiliation, embarrassment, loss of reputation, loss of enjoyment of life, lost wages and benefits, and has incurred attorneys' fees and expenses and other compensatory and special damages expert testimony will establish and a jury will determine.

199. Jane reserves the right to amend the complaint to assert punitive damages against DeLaSalle in accordance with Minn. Stat. §§ 549.191; 549.20.

Plaintiff hereby demands a trial by jury.

WHEREFORE, Plaintiff Jane Doe prays for judgment against Defendants Daniel Felton and DeLaSalle High School as follows:

1. As to Count One, a judgment in favor of Plaintiff against Defendants in an amount in excess of Fifty Thousand Dollars ($50,000), together with costs and disbursements herein, pre-and-post-judgment interest, and all other relief the Court deems just and equitable.

2. As to Count Two, a judgment in favor of Plaintiff against Defendants in an amount in excess of Fifty Thousand Dollars ($50,000), together with costs and disbursements herein, pre-and-post-judgment interest, and all other relief the Court deems just and equitable.

3. As to Count Three, a judgment in favor of Plaintiff against Defendants in an

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amount in excess of Fifty Thousand Dollars ($50,000), together with costs and disbursements herein, pre-and-post-judgment interest, and all other relief the Court deems just and equitable.

4. As to Count Four, a judgment in favor of Plaintiff against Defendant DeLaSalle High School in an amount in excess of Fifty Thousand Dollars ($50,000), together with costs and disbursements herein, pre-and-post-judgment interest, and all other relief the Court deems just and equitable.

NEWMARK STORMS DWORAK LLC

Dated: September 25, 2023

/s/ Naomi E. H. Martin

Jeffrey S. Storms, #387240
Paul C. Dworak, #391070
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ACKNOWLEDGEMENT

The undersigned hereby acknowledges that pursuant to Minn. Stat. § 549.211, subd. 2, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties in the litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass; or commit a fraud upon the Court.

Dated: September 25, 2023

/s/ Naomi E. H. Martin
Naomi E. H. Martin, #0402332

Attorney for Plaintiff

MINNESOTA JUDICIAL BRANCH